



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:	)	Docket No.:	4115-137 CIP
Applicant:	)	Examiner:	Carla J. Myers
Application No.:	)	Art Group:	1634
Date Filed:	)	Confirmation No.	9125
Title:	)	Customer No.	23448
)		

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and Express Mailed under the provisions of 37 CFR 1.10.

Katrina Holland

Katrina Holland

March 24, 2003

Date

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**SUPPLEMENTAL DECLARATION UNDER 35 U.S.C. §132 OF DR. GERARDO R.
VASTA IN UNITED STATES PATENT APPLICATION NO. 09/771,935**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

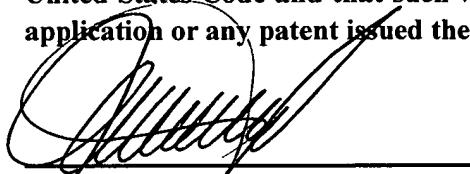
I, Gerardo R. Vasta, hereby declare:

1. THAT I am a named co-inventor of the invention that is described and claimed in U.S. Patent Application No. 09/771,935 filed in the United States Patent and Trademark Office on January 30, 2001 in the names of Gerardo R. Vasta, Adam G. Marsh, Jose A.

Fernandez-Robledo, Cathleen A. Coss and Anita Wright for "ASSAY FOR PERKINSUS IN SHELLFISH" (the "Application").

2. THAT I am familiar with the Official Action and rejection from the U.S. Patent and Trademark Office dated January 12, 2004 in which claims 1-4, 9-13, 15-18 and 20-31 were rejected. Further, I am familiar with the references cited by the Examiner including: 1) Robledo, JAM., C.A. Coss and GER. Vasta (2000) Characterization of the Ribosomal RNA Locus of *Perkins's atlanticus* and Development of a Polymerase Chain Reaction-Based Diagnostic Assay. *J. Parasitol.* 86:972-978 (hereinafter Robledo 2); and 2) GenBank Accession No. AF140295/NCBI Database (hereinafter Robledo 3).
3. THAT I, Jose A. Fernandez-Robledo and Cathleen A. Coss are co-inventors of the subject matter recited in claims 1-3, 9-13, 15-18 and 20 and also co-authors of the cited publications (Robledo 2 and 3). Adam G. Marsh and Anita Wright were not in the lab during the research for and writing of the Robledo 2 and 3 references and are not co-inventors of the subject matter recited in claims 1-3, 9-13, 15-18 and 20.
4. THAT I, Jose A. Fernandez-Robledo, Cathleen A. Coss, Adam G. Marsh and Anita Wright are co-inventors of the subject matter recited in claims 21-26, 28, 31-32. Thus, Adam Marsh and Anita Wright are properly included as joint applicants of the present application under 35 U.S.C. §116.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



GERARDO R. VASTA

DATE 3/16/04